



United States District Court
Western District Of New York

.....X

James W. Jones,

- CV - 24 CV 1128

Plaintiff,

Affirmed verified complaint

Civil 1983

Vs.

City of Niagara Falls New York,

County of Niagara,

Vicent Daniels, police officer,

James T. Reynolds, police officer,

Karl P. Brunso, police officer,

Richard Fleck, police officer,

Kevin Maluchnik, police officer,

Christopher Clark, police officer,

Robert Restaino, Mayor of Niagara Falls,

Nicholas Ligammari, police chief,

Dominic Graves, Forensic Scientist,

Kirrin Cook, forensic lab clerical 1,

Brian Seaman, District Attorney,
Defendants.

.....X

I, James W. Jones, being duly sworn affirms under the penalties of perjury pursuant to Fed. R. Civ. Proc. 43 [d], that the below is true and accurate so help me GOD:

Jurisdiction & Venue

1. This is a civil rights action brought pursuant to 42 USC 1983, and 1985 (2)(3), this court has jurisdiction under 28 USC 1331, and 1343 (a)(3) and (4), and 2201 and 2202.
2. The events given rise to this action occurred in Niagara Falls, New York, which is in the Western District of New York.
3. This court has the power to exercise supplemental jurisdiction over plaintiff state law claims that arose from the circumstances and events in this action pursuant to 28 USC 1367. And the City and county of Niagara were served by certified mail return receipt verifying service upon the city and county defendants.
4. This western District court has power to join this case pursuant to Rule 23 under federal rule civil procedure, as a class action against the County defendants and city defendants hereto named pursuant to the applicable rules of procedures plaintiffs are requesting to add the names of any additional plaintiffs who has suffered the same and/or similar abuses of misconduct and oppression prohibited by the 14th amendment of the United State Constitution.

Parties to this action:

5. Plaintiff name and address: James W. Jones

Address: _____

Niagara Falls, New York 14304

6. Defendant name: City of Niagara Falls New York

Sued in: Official Capacity

Official position: City of Niagara Falls

Address: City Hall 745 main street, Niagara Falls NY 14301

7. Defendant name: County of Niagara

Official position: County of Niagara

Sued in: Official and individual capacities

Hiring, training, investigating, slandering

Address: 175 Hawley Street, Lockport, New York 14

8. Defendant name: Vicent Daniels

Official position: Niagara Falls police officer #BGN-

Sued in: Individual and official capacity

Address: 1925 main street, Niagara Falls, New York 14301

9. Defendant name: James T. Reynolds

Official position: Police officer

Sued in: individual and official capacity

Address: 1925 main street, Niagara Falls, New York 14301

10. **Defendant name:** Karl P. Brunson

Official position: police officer

Sued in: Individual and official capacity

11. **Defendant name:** Richard Fleck

Official position: Police officer

Sued in: individual and official capacity

Address: 1925 main street, Niagara Falls, New York 14301

12. **Defendant name:** Kevin Maluchnik

Official position: police officer

Sued in: individual and official capacity

Address: 1925 main street, Niagara Falls, New York 14031

13. **Defendant name:** Christopher Clark

Official position: police officer

Sued in: individual and official capacity

Address: 1925 main street, Niagara Falls, New York 14301

14. **Defendant name:** Robert Restaino

Official position: Mayor of City of niagara falls

Sued in: individual and official capacity

Address: 1925 Main Street, Niagara Falls, New York 14301

15. **Defendant name:** Nicholas Ligammari

Official position: police officer

Sued in: individual and official capacity

Address: 1925 main street, Niagara Falls, New York 14301

16. **Defendant name:** Dominic Graves

Official position: Forensic scientist

Sued in: individual and official capacity

Address: 5526 Niagara St. Ext. Lockport, NY 14094

17. **Defendant name:** Kirrin Cook

Official position: Forensic lab clerical 1

Sued in: individual and official capacity

Address:5526 Niagara St. Ext. Lockport, NY 14094

18. **Defendant name:** Brian Seaman

Official position: District attorney/county policy designator

Sued in: individual and official capacity

Address: 175 Hawley Street, Lockport Ny 14094

Statement of facts:

19. On or about January 26, 2024, based upon a false search warrant issued for **Ronnie L. Dixon (dob 7/25/1977)**, sworn to by the defendant Detective Kevin Maluchnik and Richard Fleck of the Niagara Falls New York police department:

Defendants Maluchnik and Fleck state under oath that being police officers with the Niagara Falls police department assigned to the narcotic intelligent division where they were investigating crimes alleged in violation of New York state penal laws, That a Ronnie L. Dixon (DOB 7/25/1977), a Black male, 6' '0"., 165 lbs. with brown eyes and black hair, as well as said premises, 5930 Buffalo Ave. Apartment 15 (Shivas Travelers Lodge), as a result of this information sworn by these defendants themselves, and several other uniformed public officials did join to assault the plaintiff by using force and planting evidence found in a residence not belonging to the plaintiff Mr. Jones.

20. Defendants based on information obtained from informant during their investigation into illegal drugs use, possession and sale of controlled substances, in the City of Niagara Falls, Ny, (in exchange for the informant's information defendants provided purchase money so as to allow the informant to purchase and use the drug). More specifically at the address of 5930 Buffalo Ave,

Apartment 15. This investigation was conducted by an informant alleged to be known by the defendants as reliable and credible and who has passed on information and cooperation which according to the defendants resulted in them achieving numerous arrests and convictions of violations as defined in Article 220 of the revised penal law of the state of new York and who will also appear before this court to provide sworn testimony regarding this investigation.

21. As the result of the City of Niagara Falls training, Niagara County policies created for investigating crimes and complaints filed the defendants Sitek, Fleck, Vincent Daniels, Reynolds, Ligammari, Brunson, and Maluchnik has used force, planted narcotics and filed false criminal charges against the Plaintiff.

First cause of action: Unlawful arrest and lack of probable cause and the 5th, 6th, 8th and 14th amendments of the United States constitution

22. Defendants Sitek, Maluchnik, Reynolds, and Brunso acting as intelligent investigators for the NFPD narcotic unit, did use their position knowingly, deliberately and unlawfully to bring false criminal charges against the plaintiff and caused him to be arrested on charges of possession of narcotics the officers knew did not belong to the plaintiff.

23. Defendant Sitek, Maluchnik, Reynolds, and Brunson did obtain information from an informant regarding a specific citizen named ("Toot"), date of birth known to the defendants as Ronnie L. Dixon.

Yet, the defendants rushed into Mr. Jones space knowing he was not Ronnie L. Dixon, used force, and arrested him.

24. As a result of the defendants' actions, Mr. Jones suffered an "illegal arrest without probable cause", "Unnecessary force used upon him", illegal imprisonment and intelligent investigators narcotic defendants deliberately charged Mr. Jones falsely with narcotics which they knew did not belong to him.

Second Cause of action: Use of force 8th amendment violation

25. Defendants Maluchnik, Reynolds, Sitek, Fleck, used force upon Mr. Jones knowing that he was not Ronnie L. Dixon when they forced their way into the resident.

26. Defendants Maluchnik, Fleck and Sitek punched, kicked and tackled the plaintiff down to the ground, placing handcuffs as tight as they possibly could go upon plaintiff's wrist, causing pain and numbness to date in his wrists and arms.

27. As a result of the force used slamming plaintiff down to the ground, placing handcuffs as tight as they could possibly go on Mr. Jones wrist, and punching him, the plaintiff sustained multiple injuries such as neck, back, shoulders, wrist, migraine headaches which the defendants refused to treat.

Third cause of action: Filing false criminal charges to arrest, denying plaintiff his right to a fair trial

28. Defendants Maluchnik, Sitek, Reynolds, County of Niagara, city of Niagara Falls, Dominic Graves, Robert Restaino, Fleck, Kirrin

Cook, Karl P. Brunson, Christopher Clark acting in conjunction with each other did knowingly, willingly, and unlawfully file false criminal charges against Mr. Jones who is not Ronnie L. Dixon the suspect whom they were investigating.

29. All these defendants knowingly and willingly falsified documents placed in official records, indicating that Ronnie L. Dixon is Mr. Jones. And, that whatever was alleged against this Dixon person was committed by the plaintiff Mr. Jones.

30. Dominic Graves and Kirrin Cook exercised indifference where they fabricated chemical reports under Mr. Jones named indicating that test was conducted upon some narcotics which these defendants ascribe to being in Mr. Jones possession which is false statement. In addition, the chemical lab reports are not verified, certified and the test results were returned from a tainted test performed by these defendants which caused a false positive result to be attached to the plaintiff.

30. As a result of the defendants' actions, the plaintiff suffered false positive drugs tests attached to him, and to be placed in official governmental records as being in possession of narcotic found on a location that did not belong to Ronnie L. Dixon. And, because of these allegation Mr. Jones could not obtain a fair trial and/or any of the constitutional remedies available to him as a citizen, and the defendants knew by filing these false instruments against Mr. Jones he would be subjected to a bias judge, be prevented from confronting any witnesses against him other than the defendants who are the agents who drafted the charges, and Mr. Jones was

subjected to excessive and coercive interrogation tactic...with the Misdemeanor charges dismissed.

Relief Sought

31. The plaintiff James Jones, seeks the following relief to remedy the constitutional violations:

32. Compensatory damages against all the defendants together and separately in the amount of \$ 2,500.000.00

33. Punitive Damages against all the defendants together and separately in the amount of \$ 3,500.000.00

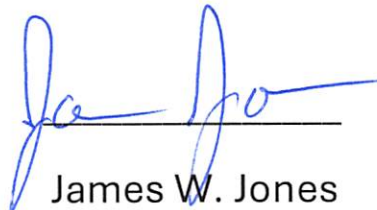
34. That a cause of action for probable cause be determined herein, where all the narcotic division defendants, and those who trained and supervised there actions and signing off on official reports placed in records against Mr. Jones all city, county and ranking official named above for sabotaging complaints and fabricating tainted DNA test rewults not up to government standards or codes.

~~(Plaintiff's Name) (Address) (City, State, Zip)~~

~~(Plaintiff's Name)~~ _____, _____ 14

35. And, any other relief as the court may deem just and adequate under these causes of this case.

Dated: November 14, 2024


James W. Jones

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff JAMES W. JONES
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

pro se 159 63 Street
Niagara Falls, N.Y.
14204

DEFENDANTS

City of Niagara Falls Et Al

County of Residence of First Listed Defendant Niagara
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

24 CV 1128

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

7. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

7. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

II. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

III. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

ATB 11-27-24 SIGNATURE OF ATTORNEY OF RECORD

OR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE